

10 April 1956

## MEMORANDUM FOR THE DIRECTOR:

Reference our conversation of today, it develops that the Hoover Commission of 1949 as a whole made no recommendation on either a Congressional or Presidential committee, but that its Task Force on "The National Security Organization" (headed by Ferdinand Eberstadt) did suggest the need for a temporary committee in "two or three years". On page 40 of its Confidential Report, it said: "Another examination, two or three years from now, of our intelligence system should be undertaken, either by a Congressional watchdog committee, or preferably by a committee akin to the Dulles Group."

The Task Force, furthermore, mentioned both the National Security Council and the Joint Chiefs of Staff as existing committees which had a measure of continuing jurisdiction over CIA, and in general it approved the arrangements already established. (The Hoover Commission as a whole, however, made no comments or recommendations whatsoever on the NSC and the JCS, in relation to CIA.)

The NSC, for example, was discussed several times both in the Confidential and the published versions of the Eberstadt Task Force's report. The Confidential report, for example, noted (p. 44) that the NSC was in effect, a committee, overseeing CIA; acknowledged that there had been proposals that the DCI "report to an individual [such as the President] rather than a committee" (p. 44); and observed that, "as a practical matter," it favored the present arrangement whereby "the Director of Central Intelligence . . . can be held accountable by the National Security Council, at the instance of any one of its members, as effectively as by the President." Elsewhere in the same Confidential report (p. 60), the Eberstadt Task Force observed further, however, that the NSC "should give more thought and attention to the relationships of CIA with the other intelligence agencies . . . and . . . encourage the improvement of other intelligence agencies." Psychological warfare, in particular, it said later (on p. 249), "should receive the quiet but continuous scrutiny of the National Security Council." None of these specific comments, however, appeared in the published version of the Task Force Report (so-called Appendix G), except the observation (p. 32, p. 76) that the National Security Act "properly" placed CIA "directly under the National Security Council."

The Joint Chiefs of Staff was also recognized by the Eberstadt Task Force as a committee (within the Defense Department) which had a measure

of control over CIA, for wartime planning purposes. In wartime, the Task Force said approvingly (p. 48 of the Confidential report), the operational components of CIA "might if necessary report directly to the Joint Chiefs of Staff."

Finally, in the very last paragraph of the Task Force's Confidential report, it warned against "continual" investigation of CIA. Aside from specific suggestions for change and "reform", it urged (p. 60) that "CIA and other Government intelligence agencies should be permitted a period of internal development free from the disruption of continual examination and as free as possible from publicity."

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**Comments on the Majority Report of the Committee  
on Rules and Administration.**

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On page 2 the report states that "The establishment of a Joint Committee on Central Intelligence will insure the existence of a trained, specialized, and dedicated staff to gather information and make independent checks and appraisals of CIA activities pursuant to the committee's directives and supervision." This appears to contemplate that the staff of the committee will do the work and reach the conclusions on how effectively CIA is operating. It is easy to see how the Agency could be watchdogged to death under such an arrangement and there are dangerous security implications as well.

Page 3 states that CIA's "very secrecy keeps its operations from justification or criticism." On the contrary, the fact that CIA must operate under strict security regulations prevents it from answering accusations against the Agency, even though most of them are completely unjustified. There is a tendency to blame CIA, at least by implication, for every defection to the Communist orbit from anywhere in the free world. The majority report, for example, quotes a New York Times article, on page 7, which names five individuals as examples of "leaks and failures" of intelligence. None of these individuals ever worked for CIA. Dr. Otto John was head of the German equivalent of the FBI. Burgess and McLean were employees of the British Foreign Office. There is no evidence anywhere that the case of Dr. Klaus Fuchs, a British scientist, involved any failure on the part of the U. S. intelligence services.

On page 19, under the heading "Secrecy, for Secrecy's Sake, invites Abuse" the majority report states, "Secrecy now beclouds everything about CIA, its cost, its personnel, its efficiency, its failures, its successes. An aura of superiority has been built around it. It is freed from practically every ordinary form of congressional review. The CIA has unquestionably placed itself above other Government agencies. These allegations are completely untrue, and it is believed that the minority report deals with the matter more than adequately. If this kind of language remains in the majority report, however, it would be extremely vulnerable as a point of departure in floor debate.

Suggested insert in the Minority Report

A new Section, possibly between the sections of THE APPROPRIATIONS COMMITTEES and THE JOINT COMMITTEE STAFF.

PREVIOUS INVESTIGATIONS OF THE CIA

The majority report devotes considerable space to a description of various investigations of CIA which have been conducted by special commissions. The section refers to a number of recommendations made by these commissions and implies that there is no evidence of any action by CIA as a result of these recommendations. There is no evidence that CIA has failed to cooperate fully with commissions, sponsored both by the Congress and by the Executive, which have investigated its activities, or that it has failed to take positive action on their recommendations and to report such action to the appropriate Congressional committees. The majority report refers, for example, to recommendations in the first Hoover Commission Report (1949) that a top level evaluation board be set up within the Agency and that the internal structure of the Agency be reorganized and improved. In 1950, such an evaluation board was set up, and the internal structure of the Agency has been reorganized so as to improve its effectiveness. Very frequently successive commissions which have investigated CIA have disagreed with the recommendations of their predecessors, but there is evidence that the Agency has adhered to legitimate recommendations without disrupting the continuity of its organization and activities after each report.

The imposition on CIA of a new committee and a staff created as a "watchdog" over the Agency on a continuing basis would only serve to complicate matters. As the history in the majority report indicates,

CIA has been intensely and repeatedly investigated during the last few years. The President has appointed a board of distinguished citizens to keep him regularly advised on the conduct of Government activities in the foreign intelligence field. The Congress and the President have given the Central Intelligence Agency a most important job to do. Subcommittees of standing committees of the Congress have been created to provide for the appropriate jurisdiction of the Congress over this activity. The greatest service we can do now is to facilitate the important work of the Agency and to let them get their job done without undue external interference.

**The Precedent of the Joint Committee on  
Atomic Energy**

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In his two Senate speeches urging the formation of a Joint Congressional Committee on Intelligence, Senator Mansfield has urged the precedent of the Joint Congressional Committee on Atomic Energy. He stated that the latter Committee "offers a model for Congressional participation in the control of CIA."

The purpose of a Congressional committee is usually considered to be one of investigating for, and to plan and to recommend on, legislation. The control of an Executive department under the doctrine of separation of powers lies with the Executive Branch and not the Congress. If the element of control which the Joint Congressional Committee exercises over the programs of the Atomic Energy Commission are to be a precedent for a Joint Congressional Committee on Central Intelligence, an almost unworkable situation will exist right from the start.

Senator Mansfield points out that the AEC benefits because the Committee provides the Commissioners with a clear channel into which they can direct their legislative problems. However, the AEC's activities require extensive legislation affecting people in many fields. These include pre-emptive relationships in patents and property, civil defense, control of materials, manufacture of weapons, and stringent judicial penalties for violations. Thus, the Joint Committee has a continuing problem of studying atomic energy activities in order to make sure that legislation remains consistent with the problem.

Legislative requirements of the AEC are much more numerous than those of CIA. CIA has averaged less than one law a year, whereas there were more than 20 bills on atomic energy introduced into the 82nd Congress and 14 up to the present time in the 83rd. Furthermore, the CIA bills largely run to the administration of the Agency. The atomic energy bills before the Joint Committee have covered subjects ranging from the abolition of the AEC itself through construction projects, housing facilities in Oak Ridge, self-government at Hanford, exemption on

from state and local taxation, to the development and production of atomic energy. One suggestion even called for rotation among the membership of the Joint Committee itself so that more members of the Congress would be aware of the atomic energy program!

On the basis of legislative workload, therefore, there would not seem to be a sufficient amount to keep a Joint Committee busy. Even on the basis of a bill a year the Armed Services Committee would be able to handle the load. Thus, all that would remain for a Joint Committee staff to do would be to review continually Agency plans and operations to justify their retention.

The benefits allegedly accruing to the AEC from the Joint Committee allegedly arise, in Senator Mansfield's view, in the development of Congressional and public confidence in the AEC "based on the secure knowledge that trusted Members of both Houses are fully cognizant of developments in atomic energy." The Senator also points out that the security of the AEC program is not periodically threatened by sporadic investigations and embarrassing questions from the Floor. It would appear that vigorous action by the Armed Services Committee could accomplish the same end. The activities of the Preparedness Subcommittee of the Senate Armed Services Committee, in the hands of Senator Lyndon Johnson, were widely acclaimed both in the press and on the Floor of Congress, and confidence in its judgements were universally expressed. The leadership of Chairman Vinson, first on the old Naval Affairs Committee and then on the House Armed Services Committee, was forceful and universally respected.

This morning's paper headlines that the hydrogen blast is 750 times worse than the Hiroshima bomb, but the sources of this story are members of the Joint Committee on Atomic Energy and not the Executive Branch, and included "an official disclosure" by the Committee Chairman that the United States has developed a usable hydrogen bomb and has bombers capable of carrying the new weapon to any target in the world. Would we wake up one morning to find headlines in the press that members of the Joint Committee on Central Intelligence had announced that we had an agent in Moscow and the capability of delivering agents anywhere behind the Iron Curtain?